IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO :7798 of 2001

Between:

K.Ramakrishnaiah, S/o Laxmaiah,

Age 52Yrs., Occ: School Assistant,

Sri Vivekavardhini Aided Upper Primary School,

Narsampet District, Warangal.

2. M.V.Krishna Rao, S/o Venkateswar Rao,

Age 37Yrs., Oc: Telugu Pandit Gr-II

Sri Vivekavardhini Aided Upper Primary School,

Narsampet District, Warangal.

..... PETITIONERS

AND

1. The Government of A.P.,

   Rep. By its Principal Secretary,

   Edcuation Department, Secretariat,

   Hyderabad.

2. The Director of School Edcuation, Government

   Of A.P., Hyderabad.

3. The District Edcuational Officer,

   Warangal Distict at Warangal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in not paying the arrears to the 1st petitioner from 1-3-1986 to 31-10-1989 and 2nd petitioner from 1-10-10986 to 31-10-1989 is as illegal, improper, arbitrary null and void and consequently direct the respondents to pay the arrears to the petitioner No.1 with effect from 1-3-1986 to 31-10-1989 and petitioners No.2 with effect from 1-10-1986 to 31-10-1989 forthwith.

Counsel for the Petitioner: MR.M.YESHWANTH KUMAR

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

The Court made the following :

ORDER:

The first petitioner was appointed as School Assistant in Sri Vivekavardhini Aided Upper Primary School, Narsampet, Warangal District, on 1.9.1985, and was absorbed into the aided post as per G.O.Ms.No.326 dated 17.10.1989 and salaries were paid to him from 1.9.1985 to 28.2.1986 and for the period from 01.03.1986 to 31.10.1989 arrears are due from the respondents. Similarly, the second petitioner was appointed in the same school as Telugu Pandit

Grade-II on 1-10-1986 in the clear vacancy as per G.O.Ms.No.326 and arrears are due to him from

1-10-1986 to 31-10-1989. Admittedly, their posts were absorbed into grant-in-aid by the Government as per the said G.O.

Questioning the inaction of the Government in not paying the arrears, similarly situated persons have filed writ petitions before this Court and in similar circumstances W.P.No.15879 of 1990 was allowed on 27.07.1995. Aggrieved by the same, Government filed W.A.No.1745 of 1995, and the same was dismissed by a Division Bench of this Court, which was reported in 1996(3) ALD page 1098.

In ***Government of A.P. v. G.V.K. Girls High School*** (referred to supra), Division Bench of this Court held that similarly situated persons, whose posts were admitted into grant-in-aid, cannot be

denied all the arrears on the ground of paucity of funds.

In view of the facts and circumstances of the case and in view of the aforesaid judgment, the writ petition is allowed directing the respondents to pay the arrears to the first petitioner from 1.3.1986 to 31.10.1989 and second petitioner from 1.10.1986 to 31.10.1989 within eight weeks from the date of receipt of a copy of this order. No order as to costs.

That Rule Nisi has been made absolute as above.

Witness the Hon'ble sri Devinder Gupta, the Chief Justice on this Wednesday the eighteenth day of August two thousand and four.

18-08-2004

Note: Issue C.C. in one week

B/o

klp

To

1. The Government of A.P.,
   Rep.by its Principal Secretary,
   Education Dept., Secretariat, Hyderabad.
2. The Director of School Education,
   Andhra Pradesh, Hyderabad.
3. The District Educational Offier,
   Warangal District, Warangal.

4. 2CCs to G.P. form School Education, High Court buildings,

Hyderabad.(OUT)

5 2CD copies